

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHARTER COMMUNICATIONS,)
INC., et al.,)
Plaintiffs,)
v.) Case No. 4:24 CV 199 CDP
UBEE INTERACTIVE, INC.,)
Defendant.)

AMENDED CASE MANAGEMENT ORDER

After due consideration,¹

IT IS HEREBY ORDERED that the motion to amend [70] is denied as to the request to decrease the number of depositions and granted as to the request for a non-jury trial, the case management order previously entered in this case is amended only as follows, and the following amended schedule shall apply in this case and will be modified only upon a showing of exceptional circumstances:

II. ORDER RELATING TO TRIAL

This action, previously set for JURY trial on October 6, 2025, at 8:30 a.m., is reset for a NON-JURY trial on October 6, 2025, at 9:00 a.m. This is a two week docket.

¹ The Court considered defendant's opposition, filed under seal, in its consideration of this motion, but it was not necessary to file such an extensive, sealed opposition to the motion. There are no motions to quash deposition subpoenas currently pending before the Court, so the Court has no occasion to consider the propriety of deposing specific witnesses at this juncture. In the future, the parties shall make every effort to brief only the issue actually before the Court as concisely as possible and without including extraneous information which obligates the parties to file their motions under seal.

In this case, unless otherwise ordered by the Court, the attorneys shall, not less than twenty (20) days prior to the date set for trial:

1. Stipulation: Meet and jointly prepare and file with the Clerk a JOINT Stipulation of all uncontested facts, which may be read into evidence subject to any objections of any party set forth in said stipulation.

2. Witnesses:

(a) Deliver to opposing counsel, and to the Clerk, a list of all proposed witnesses, identifying those witnesses who will be called to testify and those who may be called.

(b) Except for good cause shown, no party will be permitted to call any witnesses not listed in compliance with this Order.

3. Exhibits:

(a) Mark for identification all exhibits to be offered in evidence at the trial (Plaintiffs to use Arabic numerals and defendants to use letters, e.g., Pltf-1, Deft.-A, or Pltf Jones-1, Deft Smith-A, if there is more than one plaintiff or defendant), and deliver to opposing counsel and to the Clerk a list of such exhibits, identifying those that will be introduced into evidence and those that may be introduced. The list shall clearly indicate for each business record whether the proponent seeks to authenticate the business record by affidavit or declaration pursuant to Fed. R. Evid. 902(11) or 902(12).

(b) Submit said exhibits or true copies thereof, and copies of all affidavits or declarations pursuant to Fed. R. Evid. 902(11) or 902(12), to opposing counsel for examination. Prior to trial, the parties shall stipulate which exhibits may be introduced without objection or preliminary identification, and shall file written objections to all other exhibits.

(c) Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order. Any objections not made in writing at least ten (10) days prior to trial may be considered waived.

4. Depositions, Interrogatory Answers, and Request for Admissions:

(a) Deliver to opposing counsel and to the Clerk a list of all interrogatory answers or parts thereof and depositions or parts thereof (identified by page and line numbers), and answers to requests for admissions proposed to be offered in evidence. At least ten (10) days before trial, opposing counsel shall state in writing any objections to such testimony and shall identify any additional portions of such depositions not listed by the offering party which opposing counsel proposes to offer.

(b) Except for good cause shown, no party will be permitted to offer any interrogatory answer, or deposition or part thereof, or answer to a request for admissions not listed in compliance with this Order. Any objections not made as above required may be considered waived.

5. Findings of Fact, Conclusions of Law and Trial Brief: Submit to the Court and to opposing counsel full, complete, and specific findings of fact and conclusions of law, together with a trial brief, citing authorities, in support of said party's legal theories and discussing any anticipated substantive or procedural problems.

6. Motions In Limine: File all motions in limine to exclude evidence at least ten (10) days before trial.

Any provision of the case management order not specifically amended above remains in full force and effect. Failure to comply with any part of this Order may result in the imposition of sanctions.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 24th day of January, 2025.